

REMARKS

Claims 50-52, 56 and 58-60 are pending in this application, of which claim 50 has been amended and claims 58-60 are newly-added.

Claims 50 and 52 stand rejected under 35 USC §102(e) as anticipated by U.S. Patent 5,198,650 to Wike, Jr. (hereinafter "**Wike, Jr.**").

Applicants respectfully traverse this rejection.

Wike, Jr. discloses a bar code scanner is disclosed comprising an egg-shaped housing member containing a scanning member which can be easily held by a checkout operator for a handheld scanning operation. A support member associated with the scanner has a vertically orientated support portion which has a magnet mounted in its end having a spherical-shaped mating surface which engages the correspondingly shaped surface of a magnet mounted to the under surface of the housing member enabling the scanner to be releasably supported on the support member in a plurality of scanning positions.

Wike, Jr. fails to show that the support member has a plurality of vertical side walls for mounting the scanner, where the grip extends outwardly in a gap formed between two of the sidewalls, as shown in Fig. 65A of the instant application.

This arrangement permits the user to easily grasp and place an optical reader on a stand.

Accordingly, claim 50 has been amended to recite this distinction, and the 35 USC §102(e) rejection should be withdrawn.

New claim 58 describes an arrangement which is appropriate for both right-handed and left-handed persons and new claim 59 describes a gap for seeing a read window.

U.S. Patent Application Serial No. 09/227,529

Claims 51 and 56 have been allowed.

In view of the aforementioned amendments and accompanying remarks, claims 50-52, 56 and 58-60, as amended, are in condition for further examination.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla
Atty. Docket No. 960569C
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930

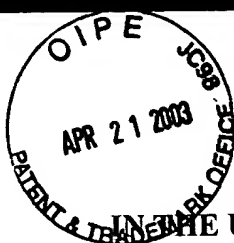


23850

PATENT TRADEMARK OFFICE

Enclosures: RCE
Petition for Extension of Time
Amendment Transmittal

H:\HOME\etitia\WLB\960569c\preliminary amendment apr 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **KUMAGAI, et al.**

Group Art Unit: 2876

Serial No.: 09/227,529

Examiner: **Larry D. TAYLOR**

Filed: **January 8, 1999**

P.T.O. Confirmation No.: 8093

For: **A STAND FOR PIVOTABLE MOUNTING AN OPTICAL READING DEVICE (AS AMENDED)**

AMENDMENT TRANSMITTAL

Commissioner for Patents
Washington, D.C. 20231

April 21, 2003

Sir:

Transmitted herewith is an Amendment in the above-identified application.
The fee has been calculated as shown below:


	CLAIMS AS AMENDED				Small Entity	Large Entity	Additional Fee
	Claims Remaining After Amendment	Highest Number Previously Paid For		Present Extra			
Total Claims	7	20	=		X \$9	X \$18	
Independent Claims	4	3	=	1	X \$42	X \$84	84.00
First Presentation of Multiple Dependent Claims					\$140	280	
TOTAL FEES ENCLOSED:							84.00

XX Enclosed please find our check in the amount of **\$1244.00** for the additional claims fee (\$84.00), for the RCE (\$750.00) and for the Petition for Extension of Time (\$410.00) in connection with this amendment.

XX The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any overpayment to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP


William L. Brooks
Attorney for Applicant
Reg. No. 34,129

WLB/mla
Atty. Docket No. **960569C**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

RECEIVED
APR 23 2003
TC 2800 MAIL ROOM

Enclosures: Preliminary Amendment; RCE; Petition for Extension of Time